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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,814	01/10/2001	Nobuhiro Komata	SCEI 17.986	7365
26304	7590	02/11/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			ARNOLD, ADAM	
			ART UNIT	PAPER NUMBER
			2671	
DATE MAILED: 02/11/2004				

16

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/757,814	KOMATA, NOBUHIRO
	Examiner	Art Unit
	Adam Arnold	2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 January 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 7 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong, U.S. Patent No. 6,344,791, in view of Martinelli, U.S. Patent No. 5,943,044.

Referring to claim 1, Armstrong discloses taking as instructions an output from a controller of a computer (col. 4, lines 30-32) the controller having pressure-sensitive means (col. 4, lines 28-30), where the software comprises a processing program that moves an object within a screen of a monitor of the computer depending on the output value of the controller (col. 4, lines 28-30), wherein a distance moved by the object is determined by an output of said controller indicative of a highest pushing pressure exerted on the pressure-sensitive means during a current operating cycle (col. 4, lines 28-30), and where the movement of the object within the screen of the monitor represents an action executed in 3D space (col. 16, lines 28-30). Armstrong discloses a 3D game object located within a 3d game display (col. 16, lines 28-30), where the “user can press harder to make a controllable character jump higher...” (col. 4, lines 25-30). Armstrong does not disclose a recording medium on which is recorded a computer-readable and executable software program that performs processing by taking as instructions an output from a controller. Martinelli discloses a recording medium on which is recorded a computer-readable and

Art Unit: 2671

executable software program (i.e. "graphical user interface" col. 7, lines 43-45) that performs processing (col. 7, line 44) by taking as instructions an output from a controller of a computer the controller having pressure-sensitive means (col. 7, lines 34-38). At the time the invention was made it would have been obvious to a person of ordinary skill in the art to apply a software program which takes input from a controller to Armstrong. One of ordinary skill in the art would have been motivated to do this because many computer tasks can be handled by hardware or software, interchangeably (see col. 7, lines 38-45 of Martinelli which combines a hardware touchpad assembly with a software interface).

Referring to claim 4, Armstrong discloses a method for carrying out the invention of claim 1, above (col. 10, line 35). Otherwise, the remarks presented above with respect to claim 1 apply equally to this claim.

Referring to claim 7, Armstrong discloses a computer for carrying out the invention of claim 1, above (col. 4, line 32). Otherwise the remarks presented above with respect to claim 1 apply equally to this claim.

Referring to claim 16, Armstrong discloses where the action is a jumping action (col. 4, line 30).

Referring to claim 17, the remarks presented above with respect to claim 16 apply equally to this claim.

Referring to claim 18, the remarks presented above with respect to claim 16 apply equally to this claim.

***Allowable Subject Matter***

1. Claims 2, 3, 5, 6 and 8-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:  
The prior art does not disclose where a distance of the movement of the object on the screen is determined by the rate of change per unit time (or velocity) of the output value of the controller.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Adam Arnold** whose telephone number is **703-305-8413**. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mark Zimmerman**, can be reached at (703) 305-9798.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

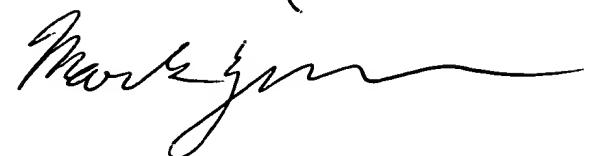
Application/Control Number: 09/757,814

Page 5

Art Unit: 2671

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington,  
VA, Sixth Floor (Receptionist).



MARK ZIMMERMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600